



Division of Enforcement Guidance Memoranda

Subject: Civil Enforcement Manual
Chapter 4A

To: Regional Enforcement Managers and Specialists, Regional Compliance Auditors,
Regional Stormwater Managers, Central Office Enforcement Managers
(electronic distribution)

From: Jefferson D. Reynolds, Director
Division of Enforcement

Date: December 2, 2013

Copies: Richard F. Weeks, James J. Golden, Regional Directors, Division Directors,
Central Office Compliance Managers, Angela Jenkins, Cindy Berndt, Elizabeth
Andrews (electronic distribution)

A handwritten signature in black ink, appearing to be "JDR", is placed to the right of the "From:" field.

Summary:

This guidance supplements Chapter 4 of the DEQ Civil Enforcement Manual (September 6, 2012) by continuing in effect Attachment 6 of the Virginia Soil and Water Conservation Board and Virginia Department of Conservation and Recreation Stormwater Enforcement Manual (DCR – VSWCB – 012) (February 2006) (DCR Guidance). Attachment 6 provides guidelines for assessing civil charges in the Virginia Stormwater Management Program (VSMP). The program was transferred to DEQ effective July 2, 2013, and the legislation continued the DCR Guidance until amended or repealed. *See* [2013 Acts c. 756 cl. 13](#). This action incorporates Attachment 6 into the DEQ Civil Enforcement Manual pending development of revised procedures for calculating appropriate civil charges or civil penalties in VSMP cases, and public notice and comment on the revised procedures. *See* Va. Code [§ 62.1-44.15\(8e\)](#).

By separate action today, the remainder of the DCR Guidance is being repealed. *See* DEQ Civil Enforcement Manual Chapter 2A (December 2, 2013). Enforcement of the Construction Stormwater Program will follow the applicable statutes and regulations and the DEQ Civil Enforcement Manual, including Attachment 6 as adopted here.

Electronic Copy:

An electronic copy of this guidance is available on the Department's website at: [Virginia DEQ - Enforcement – Laws, Regulations, and Guidance](#).

Contact Information:

Please contact Carla Pool at (804) 698-4150 or Carla.Pool@deq.virginia.gov with any questions regarding VSMP enforcement. Please contact John Ely at (804) 698-4249 or John.Ely@deq.virginia.gov with other questions about Chapter 4A.

Disclaimer:

Guidance documents set forth presumptive operating procedures. They do not establish or affect legal rights or obligations, do not establish a binding norm, and are not determinative of the issues addressed. Decisions in individual cases will be made by applying the laws, regulations, and policies of the Commonwealth to case-specific facts. *See* Va. Code [§ 2.2-4001](#).